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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,719	01/30/2002	Gregory H. Brown	PSSIP0110US	8195

7590

07/08/2003

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

3

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

060719

Applicant(s)

Brown et al.

Examiner

Silbermann

Group Art Unit

3611

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 2 "said drop panel" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinan et al. US #5,212,898.
5. Dinan et al. disclose a portable sign assembly comprising adjustable band 26 and sign support 41 (having a planar front face) attached to an outer surface of the band, and panel assembly 11, 12 attached to the support and including two sign panels. The band has opposite ends connectable by locking mechanism (buckle) 30, 31 (Figure 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al.

8. Dinan et al. do not teach only one sign panel, however, it would have been obvious to a person having ordinary skill in the art to utilize as many (or few) panels as necessary to convey a desired message. If only a single panel is desired, a backing or other support could be used in place of the second panel of Dinan et al.

9. Claims 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Kulp et al. US #4,782,783.

10. Dinan et al. do not teach combining the sign assembly with a traffic drum, however, such displays are well known in the art, as shown by Kulp et al. Kulp et al. teach a sign combined with a traffic drum (Figure 1). It would have been obvious to one of ordinary skill in the art to apply the sign of Dinan et al. to a traffic drum so as to provide information and direction to drivers on a road that has been closed off, such as where traffic drums are used.

11. Claims 11-13, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Summey, US #3,958,351.

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12. Dinan et al. do not specifically teach the inner face of the sign support having a radius of curvature corresponding to a drum, however, such curved supports are well known, as shown by Summey. Summey teaches signs mounted on a curved support and an inner faced that is curved to match the support (post), as shown in Figure 3. It would have been obvious to one of ordinary skill to provide such curvature for the sign support of Dinan et al. so as to provide a more secure connection between the post or drum and the sign support.

13. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Krug, US #3,922,805.

14. Dinan et al. do not teach a drop panel for mounting several signs, however, this is well known in the art, as shown by Krug. Krug teaches a sign support (12) having several signs attached thereto (Figure 5). It would have been obvious to one of ordinary skill in the art to utilize such a panel in the display of Dinan et al. so as to provide space to mount as many signs as is desired. Krug does not teach the signs as being mounted vertically, however, it would have been obvious to mount the panel in either a vertical or horizontal manner so as to best display the desired information.

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. and Kulp et al. as applied to claim 16 above, and further in view of Krug.

16. It would have been obvious to utilize a drop panel, as in Krug, for the same reasons as discussed above.


**Conclusion**

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 6338212, 6186454 and 4548377 are cited s of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silberman whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Joanne Silberman  
Primary Examiner  
Art Unit 3611

js  
June 28, 2003